

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DDR HOLDINGS, LLC	§	
	§	
VS.	§	CIVIL ACTION NO. 2:06-CV-42(JRG)
	§	
HOTELS.COM, ET AL.	§	

**Final Pretrial Conference
RODNEY GILSTRAP, JUDGE PRESIDING
October 2, 2012**

OPEN: 10:00 am

ADJOURN: 3:45 pm

ATTORNEYS FOR PLAINTIFF:	See attached
ATTORNEY FOR DEFENDANTS:	See attached
LAW CLERK:	Nick Mathews
COURT REPORTER:	Shelly Holmes
COURTROOM DEPUTY:	Becky Andrews

Court opened. Case called. Michael Smith announced ready and introduced co-counsel. Brett Govett announced ready. Lance Lee announced ready. Glenn Thames announced that his client has come to an agreement. Mr. Thames presented more information for the Court.

10:10 - Regarding the Motion to Exclude Documents – Ophelia Camina updated the Court. Brett Govett responded for defendants. The Court will carry.

10:17 - Regarding the carried Motions in Limine – the Court made rulings.

10:18 – The Court requested further argument for a certain limine. Ian Crosby argued further. Mr. Govett responded. The Court ruled.

10:25 – Miriam Quinn presented a certain limine for defendants. Michael Smith responded. Ms. Quinn responded. Argument continued. The Court ruled.

10:37 – Regarding outstanding exhibit objections – Ian Crosby presented plaintiff's objections to defendants' exhibits. Dustin Mauck responded for defendants. Brett Govett also responded. The Court made rulings.

11:45 – Break for lunch.

1:20 – The Court will now take up plaintiff’s objections to defendants’ exhibits. Brett Govett responded to one of the objections presented before lunch. Ophelia Camina responded. Discussion held. The Court ruled.

1:31 – Miriam Quinn presented defendants’ objections to plaintiff’s exhibits. Brett Govett responded for plaintiff. Lance Lee also presented objections. The Court made rulings.

2:25 – Regarding the Motion to Strike – the Court will hear argument. Brett Govett presented.

2:32 – Norman Zivin also presented for NLG.

2:33 – Response by Ian Crosby.

2:37 – Mr. Govett responded.

2:39 – Miriam Quinn presented their *Daubert* motion.

2:46 – Lance Lee argued further.

2:49 – Ophelia Camina responded for plaintiff.

2:56 – Ms. Quinn responded.

2:58 – Ms. Camina responded. The Court ruled.

3:00 – Recess

3:10 – Ms. Camina brought up one issue that needs clarification.

3:14 – Ms. Quinn responded. The Court ruled.

3:20 – Brett Govett argued motion for summary judgment for Digital River.

3:30 – Louis Hoffman responded for plaintiff.

3:40 – Brett Govett responded.

3:41 – Louis Hoffman responded. The Court will take the matter under submission.

3:43 – Brett Govett brought up one housekeeping matter. No response from plaintiff. The Court ruled.

3:45 – Court adjourned.